

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
CAROL THORN; JOLEEN LEEA)
COLON; DALE EUGENE)
KIRKINDOLL; ELIZABETH S.)
KIRKINDOLL; THOMAS HOLT)
KIRKINDOLL; JAMES W. GRIFFIN)
SANDRA L. GRIFFIN; PATRICK A.)
BELT; CHRISTOPHER B. BELT;)
GENE STEGMAIER; ESTATE OF)
WILLIAM R. KLAUSS, a deceased)
minor; ESTATE OF CHERETY THORN)
a deceased minor; LV STABLER)
MEMORIAL HOSPITAL; BRPT LAKE)
REHABILITATION CENTER; BUTLER)
COUNTY EMERGENCY MEDICAL)
SERVICES;)
)
Defendants.)

CIVIL ACTION NUMBER:2:06cv717-1D

Motion to Dismiss Interpleader Defendants

Comes now the plaintiff, Progressive American Insurance Company ("Progressive"), and requests the clerk of court to dismiss defendants Carol Thorn, Joleen Lea Colon, Christopher B. Gelt, Estate of Cherety Thorn, and Estate of William R. Klauss from this interpleader action. In support of the motion, Progressive shows unto the court as follows:

1. Carol Thorn is Progressive's named insured. Joleen Colon is Carol Thorn's daughter and was the Progressive insured at the time of the accident. Both were included for notice purposes and have no valid claim to the Progressive policy proceeds.

2. Numerous attempts to serve Carol Thorn and Joleen Colon have been unsuccessful. Therefore, in order to proceed with this case, Progressive requests that these defendants be dismissed.

3. Numerous attempts to serve defendant Christopher Belt have also been unsuccessful. He cannot be located. The statute of limitations has expired on any claims he may have asserted in this action. Therefore, in order to proceed with this interpleader, Progressive requests that he be dismissed.

4. The Estate of Cherety Thorn and the Estate of William Klauss also cannot be located. The statute of limitations has expired on any claims they may have asserted in this action. Therefore, in order to proceed with this interpleader, Progressive requests that these defendants be dismissed.

/s/ R. Larry Bradford
R. Larry Bradford, Attorney for
Progressive American Insurance Company

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 22nd day of May, 2007, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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